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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER
RAJAN, KAI

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/559,872	KAWAMURA ET AL.
	Examiner	Art Unit	
	Kai Rajan	3736	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 December 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 - 29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 - 29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 December 2005</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>12/7/2005</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Item S809 from figure 10 is missing from the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 – 15, 20, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Alyfuku et al. U.S. Patent No. 5,410,471, cited by Applicant.

1. A vital data utilization system comprising:

a server (Figure 1 item 67);

a receiving apparatus (Figure 1 item 19); and

a plurality of measurement instruments (Figure 1 items 31, 32, 33);

wherein said server, said receiving apparatus and said plurality of measurement instruments are connected to each other via a communication network (Figure 1);

each of said measurement instruments includes:

a vital data measurement unit operable to measure vital data of a subject (Column 7 line 34 – column 8 line 61);

a clock unit operable to detect a measurement time at which the vital data is measured (Column 12 line 54 – column 13 line 28 timer); and

a sending unit operable to send, to said server, a set of information including the measured vital data and the measurement time (Figure 1 item 66 modem);

said server includes:

a receiving unit operable to receive, from said plurality of measurement instruments, a plurality of sets of information, one of which being the set of information (Figure 1 item 68 modem);

a storage unit operable to hold the plurality of sets of information (Figure 1 item 67 a computer has memory);

a database making unit operable to store the received plurality of sets of information into

said storage unit and operable to make a database (Figure 1 item 67 host computer);

a value-added information making unit operable to compute the vital data of a plurality of

subjects stored in the database and the respective measurement times in an associated manner

and operable to make value-added information indicating changes over time of the vital data of

the plurality of subjects (Figure 1 item 67); and

a value-added information providing unit operable to provide said receiving apparatus

with the made value-added information (Figure 1 item 68 modem); and

said receiving apparatus includes:

an output unit operable to receive the value-added information provided by said value-

added information providing unit, operable to output, the value-added information (Figure 1 item

19 monitor).

8. The vital data utilization system according to claim 1,

wherein said receiving apparatus is placed in at least one of a hospital, a public facility

and a subject's house (Column 8 lines 57 – 61).

9. The vital data utilization system according to claim 1,

wherein said vital data measurement unit is operable to measure vital data which is an

indicator of an infection (Column 8 lines 3 – 61).

10. The vital data utilization system according to claim 9,

wherein the vital data which is an indicator of an infection is at least one of body temperature, blood pressure, pulse, cardiograph, oxygen saturation in blood, accelerated pulse wave velocity, the number of white blood cells, C-reactive protein concentration in blood (CRP), protein concentration in urine, glucose concentration in urine, amino acid concentration in urine and feces viscosity (Column 15 line 26 - column 16 line 26).

11. The vital data utilization system according to claim 10,

wherein the protein in urine is at least one of albumin, globulin, hemoglobin and myoglobin (Column 15 line 26 - column 16 line 26).

12. The vital data utilization system according to claim 1,

wherein said vital data measurement unit is placed at housing equipment in the subject's house (Column 7 line 34 – column 8 line 61).

13. The vital data utilization system according to claim 12,

wherein the housing equipment is at least one of a toilet apparatus and a bed (Column 7 line 34 – column 8 line 61); and

said vital data measurement unit includes at least one of a thermometer, a blood-pressure meter, a pulsimeter, an electrocardiograph and a meter of oxygen saturation in blood that are for measuring the vital data, and said vital data measurement unit measures the vital data at a time when the subject uses at least one of the toilet apparatus and the bed (Column 7 line 34 – column 8 line 61, column 15 line 26 – column 16 line 26).

14. The vital data utilization system according to claim 12,

wherein the housing equipment is a toilet apparatus; and said vital data measurement unit

includes a urine analyzer and measures the vital data at a time when the subject uses the toilet

apparatus (Column 7 line 34 – column 8 line 61, column 15 line 26 – column 16 line 57).

15. The vital data utilization system according to claim 14,

wherein the urine analyzer mixes urine of the subject and a reagent including an antibody

that specifically combines with an analysis target component, measures turbidity of a resulting

mixed solution, and measures an analysis target component in the urine (Column 16 lines 23 –

26, column 16 line 58 – column 16 line 21).

20. A server which is connected to a receiving apparatus and a plurality of measurement

instruments via a communication network, said server comprising:

a receiving unit operable to receive, from the plurality of measurement instruments, a

plurality of sets of information including measured vital data and measurement time (Figure 1

item 68 modem);

a storage unit operable to hold the plurality of sets of information (Figure 1 item 67 a

computer has memory);

a database making unit operable to store the received plurality of sets of information into

said storage unit and operable to make a database (Figure 1 item 67 host computer);

a value-added information making unit operable to compute the vital data of a plurality of

subjects stored in the database and the respective measurement times in an associated manner

and operable to make value-added information indicating changes over time of the vital data of

the plurality of subjects (Figure 1 item 67); and

a value-added information providing unit operable to provide said receiving apparatus

with the made value-added information (Figure 1 item 68 modem).

28. A server which is connected to a receiving apparatus and a plurality of measurement

instrument via a communication network, said server comprising a storage unit operable to hold

data comprising information specifying each predetermined time segment and an average value

of vital data of a plurality of subjects calculated for each predetermined time segment, the

information and the average value being associated with each other (Figure 1 item 67).

29. A receiving apparatus which is connected to a server and a plurality of measurement

instruments via a communication network, said receiving apparatus comprising

an output unit operable to receive information provided by the server, and operable to

output the information (Figure 1 item 19):

each of the measurement instruments includes:

a vital data measurement unit operable to measure vital data of a subject (Column 7 line

34 – column 8 line 61);

a clock unit operable to detect a measurement time at which the vital data is measured

(Column 12 line 54 – column 13 line 28 timer); and

a sending unit operable to send, to the server, a set of information including the measured

vital data and the measurement time (Figure 1 item 66 modem);

the server includes:

a receiving unit operable to receive, from the plurality of measurement instruments, a

plurality of sets of information, one of which being the set of information (Figure 1 item 68

modem);

a storage unit operable to hold the plurality of sets of information (Figure 1 item 67 a

computer has memory);

a database making unit operable to store the received plurality of sets of information into

the storage unit and operable to make a database (Figure 1 item 67 host computer);

a value-added information making unit operable to compute the vital data of a plurality of

subjects stored in the database and the respective measurement times in an associated manner

and operable to make value-added information indicating changes over time of the vital data of

the plurality of subjects (Figure 1 item 67); and

a value-added information providing unit operable to provide said receiving apparatus

with the made value-added information (Figure 1 item 68 modem);

wherein said output unit is operable to receive the value-added information provided by

the value-added information providing unit, operable to output, the value-added information

(Figure 1 item 19 monitor).

Claims 1 – 10, and 20 - 29 are rejected under 35 U.S.C. 102(b) as being anticipated

by Bardy U.S. Patent No. 6,203,495.

1. A vital data utilization system comprising:

a server (Column 6 line 60 - column 7 line 24);

a receiving apparatus (Column 7 lines 60 - 65, figure 2 item 36); and

a plurality of measurement instruments (Column 5 line 54 – column 6 line 50);

wherein said server, said receiving apparatus and said plurality of measurement

instruments are connected to each other via a communication network (Column 6 line 60 –

column 7 line 24);

each of said measurement instruments includes:

a vital data measurement unit operable to measure vital data of a subject (Column 5 line

54 – column 6 line 50);

a clock unit operable to detect a measurement time at which the vital data is measured

(Column 5 line 65 – column 6 line 12); and

a sending unit operable to send, to said server, a set of information including the

measured vital data and the measurement time (Column 6 lines 26 - 50);

said server includes:

a receiving unit operable to receive, from said plurality of measurement instruments, a

plurality of sets of information, one of which being the set of information (Column 6 line 60 –

column 7 line 24);

a storage unit operable to hold the plurality of sets of information (Column 6 line 60 –

column 7 line 24);

a database making unit operable to store the received plurality of sets of information into

said storage unit and operable to make a database (Column 6 line 60 – column 7 line 24);

a value-added information making unit operable to compute the vital data of a plurality of

subjects stored in the database and the respective measurement times in an associated manner

and operable to make value-added information indicating changes over time of the vital data of

the plurality of subjects (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

a value-added information providing unit operable to provide said receiving apparatus

with the made value-added information (Column 10 lines 7 – 30, column 11 line 10 – column 12

line 52); and

said receiving apparatus includes:

an output unit operable to receive the value-added information provided by said value-

added information providing unit, operable to output, the value-added information (Column 7

lines 60 - 65, figure 2 item 36).

2. The vital data utilization system according to claim 1,

wherein said vital data measurement unit is operable to measure the vital data of the

subject in a quantitative manner (Column 10 lines 7 – 30, column 11 line 10 – column 12 line

52); and

the value-added information indicates changes over time of average values of the

plurality of subjects' vital data (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52).

3. The vital data utilization system according to claim 1,

wherein said sending unit is operable to add, to the set of information, identification

information for identifying a corresponding measurement instrument or subject and is operable

to send the set of information including the identification information to said server (Column 10

lines 7 – 30, column 11 line 10 – column 12 line 52);

said database making unit is operable to make individual databases where the sets of

information for respective measurement instruments or subjects are stored based on the

identification information (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

said value-added information making unit is operable to calculate differential values

between the vital data included in the sets of information that are stored in the individual

databases and previously-set standard values of the vital data, operable to average the calculated

differential values concerning the plurality of subjects satisfying a predetermined condition in a

predetermined time segment, and operable to make value-added information indicating changes

over time of average values of the differential values concerning the plurality of subjects

(Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52).

4. The vital data utilization system according to Claim 3, wherein the plurality of subjects

who satisfy the predetermined condition are the subjects who measure vital data or live in a same

area of a predetermined geographical area (Column 3 lines 25 – 32, column 12 line 36 – column

13 line 47, column 18 lines 1 – 21).

5. The vital data utilization system according to claim 1,

wherein said sending unit is operable to add, to the set of information, subject

identification information for identifying a corresponding subject of said measurement

instrument and operable to send the subject identification information to said server (Column 10

lines 7 – 30, column 11 line 10 – column 12 line 52);

said database making unit is operable to make individual subject databases where the sets

of information for the plurality of respective subjects are stored based on the subject

identification information (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

said value-added information making unit is operable to calculate differential values

between the respective vital data included in the sets of information that are stored in the

individual subject databases and individual subject averages of the vital data in a past

predetermined period, operable to average the calculated differential values concerning the

plurality of subjects satisfying a predetermined condition in a predetermined time segment, and

operable to make value-added information indicating changes over time of average values of the

differential values concerning the subjects (Column 10 lines 7 – 30, column 11 line 10 – column

12 line 52).

6. The vital data utilization system according to Claim 5, wherein the plurality of subjects

who satisfy the predetermined condition are the subjects who measure vital data or 30 live in a

same area of a predetermined geographical area (Column 3 lines 25 – 32, column 12 line 36 –

column 13 line 47, column 18 lines 1 – 21).

7. The vital data utilization system according to claim 1,

wherein said database making unit is operable to update the database when receiving at

least one new set of information (Column 10 lines 7 – 30, column 11 line 10 – column 12 line

52); and

said value-added information making unit is operable to update the value-added

information based on the updated database (Column 10 lines 7 – 30, column 11 line 10 – column

12 line 52).

8. The vital data utilization system according to claim 1,

wherein said receiving apparatus is placed in at least one of a hospital, a public facility

and a subject's house (Column 7 lines 60 – 65).

9. The vital data utilization system according to claim 1,

wherein said vital data measurement unit is operable to measure vital data which is an

indicator of an infection (Column 5 line 54 – column 6 line 25).

10. The vital data utilization system according to claim 9,

wherein the vital data which is an indicator of an infection is at least one of body

temperature, blood pressure, pulse, cardiograph, oxygen saturation in blood, accelerated pulse

wave velocity, the number of white blood cells, C-reactive protein concentration in blood (CRP),

protein concentration in urine, glucose concentration in urine, amino acid concentration in urine

and feces viscosity (Column 5 line 54 – column 6 line 25).

20. A server which is connected to a receiving apparatus and a plurality of measurement instruments via a communication network, said server comprising:

a receiving unit operable to receive, from the plurality of measurement instruments, a plurality of sets of information including measured vital data and measurement time (Column 6 line 60 – column 7 line 24);

a storage unit operable to hold the plurality of sets of information (Column 6 line 60 – column 7 line 24);

a database making unit operable to store the received plurality of sets of information into said storage unit and operable to make a database (Column 6 line 60 – column 7 line 24);

a value-added information making unit operable to compute the vital data of a plurality of subjects stored in the database and the respective measurement times in an associated manner and operable to make value-added information indicating changes over time of the vital data of the plurality of subjects (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

a value-added information providing unit operable to provide said receiving apparatus with the made value-added information (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52).

21. The server according to claim 20,

wherein said receiving unit is operable to receive, from the plurality of measurement instruments, sets of information to which subject identification information for identifying a subject of each measurement instrument is added (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52);

said database making unit is operable to make individual subject databases where the sets

of information for respective subjects are stored based on the subject identification information

(Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

said value-added information making unit is operable to calculate differential values

between the respective vital data included in the sets of information that are stored in the

individual subject databases and previously-set standard values of the vital data, and operable to

make value-added information indicating changes over time of the differential values concerning

respective subjects (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52).

22. The server according to claim 20,

wherein said receiving unit is operable to receive, from the plurality of measurement

instruments, sets of information to which subject identification information for identifying a

subject of each measurement instrument is added (Column 10 lines 7 – 30, column 11 line 10 –

column 12 line 52);

said database making unit is operable to make individual subject databases where the sets

of information for respective subjects are stored based on the subject identification information

(Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

said value-added information making unit is operable to calculate differential values

between the respective vital data included in the sets of information that are stored in the

individual subject databases and individual subject averages of the vital data in a past

predetermined period, and operable to make value-added information indicating changes over

time of the differential values concerning the subjects (Column 10 lines 7 – 30, column 11 line

10 – column 12 line 52).

23. The server according to claim 20,

wherein said database making unit is operable to update the database after receiving at

least one new set of information (Column 10 lines 7 – 30, column 11 line 10 – column 12 line

52); and

said value-added information making unit is operable to update the value-added

information based on the updated database (Column 10 lines 7 – 30, column 11 line 10 – column

12 line 52).

24. A vital data utilization method for a system including a server, a receiving apparatus,

and a plurality of measurement instruments connected to each other via a communication

network, said vital data utilization method comprising:

in the measurement instruments:

measuring vital data of a subject (Column 6 line 60 – column 7 line 24);

detecting a measurement time at which the vital data is measured (Column 5 line 65 –

column 6 line 12, column 7 line 34 – column 8 line 61); and

sending, to the server, a set of information including the measured vital data and the

measurement time (Column 6 line 60 – column 7 line 24);

in the server which includes a storage unit operable to hold a plurality of sets of

information:

receiving, from the measurement instruments, a plurality of sets of information, one of which being the set of information (Column 6 line 60 – column 7 line 24);

storing the received plurality of sets of information into the storage unit and making a database (Column 6 line 60 – column 7 line 24);

making value-added information indicating changes over time of the vital data of a plurality of subjects based on the sets of information of the plurality of subjects that are stored in the database (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

providing the receiving apparatus with the made value-added information (Column 7 lines 60 - 65); and

in the receiving apparatus:

outputting the value-added information provided in said providing of the value-added information (Column 7 lines 60 - 65).

25. A vital data utilization method for a server used in a system in which the server, a receiving apparatus, and a plurality of measurement instruments are connected to each other via a communication network, the server including a storage unit operable to hold a plurality of sets of information, said vital data utilization method comprising (Column 5 line 54 – column 6 line 12, column 6 line 60 – column 7 line 24):

receiving, from the plurality of measurement instruments, the plurality of sets of information including measured vital data and a measurement time (Column 6 line 60 – column 7 line 24);

storing the received plurality of sets of information into the storage unit and making a

database (Column 6 line 60 – column 7 line 24);

making value-added information indicating changes over time of the vital data of a

plurality of subjects based on the sets of information of the plurality of subjects that are stored in

the database (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

providing the receiving apparatus with the made value-added information (Column 7

lines 60 - 65).

26. A computer-executable program for a server in a system in which the server, a

receiving apparatus, and a plurality of measurement instruments are connected to each other via

a communication network, the server including a storage unit operable to hold a plurality of sets

of information, said program comprising (Column 5 line 54 – column 6 line 12, column 6 line 60

– column 7 line 24):

computer-executable program code operable to cause the computer to execute:

receiving, from the plurality of measurement instruments, the plurality of sets of

information including measured vital data and a measurement time (Column 5 line 54 – column

6 line 12, column 6 line 60 – column 7 line 24);

storing the received plurality of sets of information into the storage unit and making a

database (Column 6 line 60 – column 7 line 24);

making value-added information indicating changes over time of the vital data of a

plurality of subjects based on the sets of information of the plurality of subjects that are stored in

the database (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

providing the receiving apparatus with the made value-added information (Column 7

lines 60 - 65).

27. A computer-readable recording medium on which a computer-executable program is

recorded, the computer-executable program operable to cause a computer to execute:

receiving, from a plurality of measurement instruments, a plurality of sets of information

including measured vital data and a measurement time (Column 6 line 60 – column 7 line 24);

storing the received plurality of sets of information into the storage unit and making a

database (Column 6 line 60 – column 7 line 24);

making value-added information indicating changes over time of the vital data of a

plurality of subjects based on the sets of information of the plurality of subjects that are stored in

the database (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

providing the receiving apparatus with the made value-added information (Column 7

lines 60 – 65).

28. A server which is connected to a receiving apparatus and a plurality of measurement

instrument via a communication network, said server comprising a storage unit operable to hold

data comprising information specifying each predetermined time segment and an average value

of vital data of a plurality of subjects calculated for each predetermined time segment, the

information and the average value being associated with each other (Column 5 line 54 – column

6 line 12, column 6 line 60 – column 7 line 24, column 10 lines 7 – 30, column 11 line 10 –

column 12 line 52).

29. A receiving apparatus which is connected to a server and a plurality of measurement

instruments via a communication network, said receiving apparatus comprising

an output unit operable to receive information provided by the server, and operable to

output the information (Column 7 lines 60 – 65, figure 2 item 36):

each of the measurement instruments includes:

a vital data measurement unit operable to measure vital data of a subject (Column 6 line

54 – column 6 line 50);

a clock unit operable to detect a measurement time at which the vital data is measured

(Column 5 line 65 – column 6 line 12); and

a sending unit operable to send, to the server, a set of information including the measured

vital data and the measurement time (Column 6 lines 26 – 50);

the server includes:

a receiving unit operable to receive, from the plurality of measurement instruments, a

plurality of sets of information, one of which being the set of information (Column 6 line 60 –

column 7 line 24);

a storage unit operable to hold the plurality of sets of information (Column 6 line 60 –

column 7 line 24);

a database making unit operable to store the received plurality of sets of information into

the storage unit and operable to make a database (Column 6 line 60 – column 7 line 24);

a value-added information making unit operable to compute the vital data of a plurality of

subjects stored in the database and the respective measurement times in an associated manner

and operable to make value-added information indicating changes over time of the vital data of

the plurality of subjects (Column 10 lines 7 – 30, column 11 line 10 – column 12 line 52); and

a value-added information providing unit operable to provide said receiving apparatus

with the made value-added information (Column 10 lines 7 – 30, column 11 line 10 – column 12

line 52);

wherein said output unit is operable to receive the value-added information provided by

the value-added information providing unit, operable to output, the value-added information

(Column 7 lines 60 – 65, figure 2 item 36).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 16 - 19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Haller et al. U.S. Patent No. 7,149,773.

1. A vital data utilization system comprising:

a server (Column 19 lines 16 – 34, figure 8 items 120 and 130);

a receiving apparatus (Column 19 lines 16 – 34); and

a plurality of measurement instruments;

wherein said server, said receiving apparatus and said plurality of measurement instruments are connected to each other via a communication network (Column 18 lines 44 – 67, column 19 lines 16 – 65);

each of said measurement instruments includes:

a vital data measurement unit operable to measure vital data of a subject (Column 7 line 21 – column 8 line 44);

a clock unit operable to detect a measurement time at which the vital data is measured (Column 7 line 21 – column 8 line 44); and

a sending unit operable to send, to said server, a set of information including the measured vital data and the measurement time (Column 7 line 21 – column 8 line 44);

said server includes:

a receiving unit operable to receive, from said plurality of measurement instruments, a plurality of sets of information, one of which being the set of information (Column 7 line 21 – column 8 line 44);

a storage unit operable to hold the plurality of sets of information (Column 7 line 21 – column 8 line 44);

a database making unit operable to store the received plurality of sets of information into said storage unit and operable to make a database (Column 7 line 21 – column 8 line 44);

a value-added information making unit operable to compute the vital data of a plurality of subjects stored in the database and the respective measurement times in an associated manner and operable to make value-added information indicating changes over time of the vital data of the plurality of subjects (Column 7 line 21 – column 8 line 44); and

a value-added information providing unit operable to provide said receiving apparatus

with the made value-added information (Column 7 line 21 – column 8 line 44); and

said receiving apparatus includes:

an output unit operable to receive the value-added information provided by said value-

added information providing unit, operable to output, the value-added information (Column 7

line 21 – column 8 line 44, column 19 lines 16 – 34).

16. The vital data utilization system according to claim 1,

wherein said server further includes a charging unit operable to calculate a charge for

value-added information provided to said receiving apparatus (Column 34 line 25 - column 35

line 41).

17. The vital data utilization system according to claim 16,

wherein said server further includes an incentive calculation unit operable to calculate an

incentive to each subject (Column 34 line 25 - column 35 line 41).

18. The vital data utilization system according to claim 17,

wherein said incentive calculation unit is operable to add, to a charge calculated by said

charging unit, a value of the incentive to each subject (Column 34 line 25 - column 35 line 41).

19. The vital data utilization system according to claim 17,

wherein said incentive calculation unit is operable to calculate points to be exchanged for

at least one of (i) a right to receive the value-added information, (ii) a right to receive a discount

from a rate of the value-added information, (iii) a right to receive a free distribution of, or a

discount from a sale price of, a commodity to be used by said vital data measurement unit, (iv) a

right to receive another service, and (v) a right to receive a free distribution of, or a discount

from a sale price of, another commodity (Column 34 line 25 - column 35 line 41).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kai Rajan whose telephone number is 571-272-3077. The

examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

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like assistance from a USPTO Customer Service Representative or access to the automated

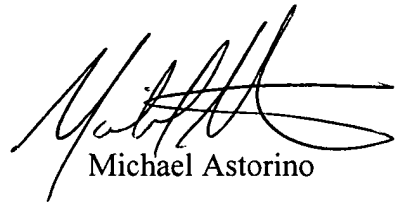information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KR

December 3, 2007

Michael Astorino